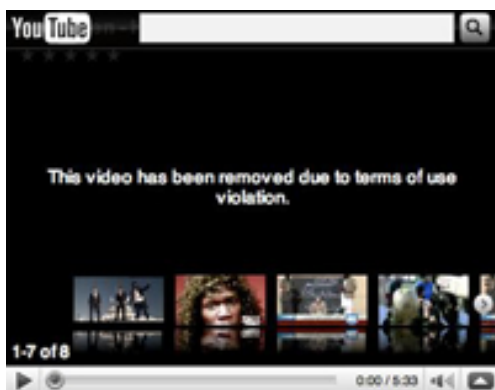


## Article Reprint

### How to Get Media Permissions for Your Videos

By Barry Starlin Britt



*"Every person who writes a document published on the internet, who creates a graphic or icon, who scans his own photograph or records his own voice into a digital file, who sends an electronic mail message, who creates a document for a newsgroup, or who designs a web page owns the copyright to his creative work."*

*Carol Simpson, "Copyright for Schools"*

When we think of media permissions, many times what comes to mind is getting a parent or guardian's approval to use their child's image in a video, photograph or other media that may also appear on the internet. Many schools and districts have a standard form that is used for these purposes.

But media permissions are universal and apply to everyone, and are the written permission from a person or entity to use their image, information, logo or creation in a media format.

Since each and every person, whether a student, teacher, parent, songwriter, publisher, or filmmaker is not only a copyright holder, but also the owner of their brand and identity, have full rights to dictate where and how their image or creations are used.

If your video is academic in nature and Fair Use for Education applies, getting media permissions in writing relieves you of the liability of brand infringement not necessarily covered by copyright.

Media permissions are a very important part of the modern, digital age in which we live, and are an integral part of digital citizenship as creators of works that applies to us all. Following it as a procedure will not only protect your network, but will also prepare students in their careers. This applies whether you are seeking media permissions of someone else or granting permissions for your own image, brand or works to be used in a media format.

#### Granting Media Permissions to Others

As a parent, student, teacher, administrator or citizen, you will at some point need to grant permissions to others who wish to use your image, information or creation in some form of media. As a basis for your criteria, you would choose to grant permissions for uses of which you would approve. Also remember that minors under the age of 18 can only have permissions granted by their parent or guardian.

At <http://www.glowsticking.com/articles-and-tutorials/general-articles/79-misc/218-media-permissions.html> you will find some great tips for protecting your own brand and identity from being used in a harmful way and also serves as great advice to students.

Teachers also have a brand or identity they wish to protect or enhance given the circumstance. In the case of Keri McIntyre, a teacher in North Carolina appeared in this ABC News interview speaking about her case of identity violation when a student video recorded inappropriate images of her and posted them to the Internet.

<http://abcnews.go.com/GMA/Technology/story?id=3525019&page=1>

In the blog comments at this page, a parent states:

"I feel badly for this teacher. My son appeared in a soccer video someone recently took to make one of the players look bad - stating things he was doing were fouls and such. I was aware which people on that team did it asked that it be taken down immediately. It seems that internet videos put a lot of power in the hands of people that don't care or don't know what it does to other people's elementary school kids. I hope most people draw the line at filming other people's kids and putting them up on the Internet to shame them."

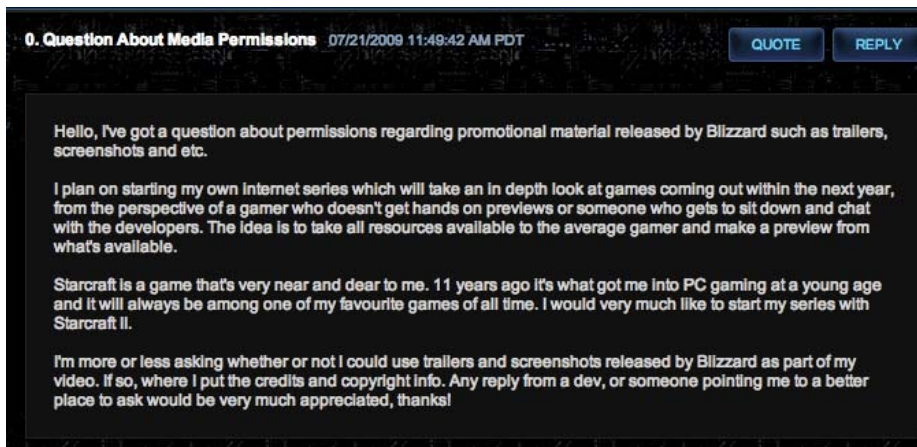
But granting media permissions to others is not only the act of protecting our reputation, identity, information and creations, but promoting them as well. A student produced film or video that a television station wishes to broadcast may advance that student's career or education through publicity, so the parents may choose to grant the permissions requested by the station for the benefit of their child.

Whether for good or bad every individual has the right to choose and even dictate how their product, brand, identity, image and information are used.

### **Obtaining Media Permissions from Others**

Whether you are producing a video, podcast or any other form of media, getting the permission you need for images, photographs, music or any other content which is integrated into your project or presentation is a matter of communication. You do not necessarily need a standard form and in some cases you can send a simple request via the web.

At <http://forums.battle.net/thread.html?topicId=18698001787&sid=3000> you will find this great example from a gamer requesting media permissions online.



Even though the gamer that sent the request would not be making money, and, would also be promoting the company, he or she was wise to request written permission to make previews for other gamers.

Sending a free-form email that contains some basic components is also acceptable in most cases.

In the example below, Jean R. Gustafson who is the librarian in the Selah School District at Selah Jr. High in Selah, WA mentions that emailing requests for permissions is a great solution.

The example she gives as a format is very much relevant to education, and is a good model for K-12 teachers, students and administrators:

*1st paragraph - What? (the item) and Why? (fit to the lesson)*

*2nd paragraph - How? (actual use with students) Who? (the students or audience) and When and where (specific time(s) and location of use)*

*3rd paragraph - Thank you and contact information*

If having a form makes you more comfortable, in Carol Simpson's "Copyright for Schools" by Linworth Publishing, there is a sample form on page 60.

The Johns Hopkins Bloomberg School of Public Health ([www.jhsph.edu/](http://www.jhsph.edu/)) demonstrates best practices when requesting media permissions for photographs as seen in their photo contest. (<http://commprojects.jhsph.edu/photocontest/BestPractices.cfm>)

The school also mentions "in addition to laws and editorial principles, you may wish to consider these five general ethical principles for best practices in your photography." (Please note how these ethical principles also relate to video.)

- "Autonomy - In what way can I show respect for a person's right to decline or consent to be photographed? How do I handle informed consent?"
- "Non-Maleficence (Do No Harm) - Am I creating and using photos in a manner that will do no harm to persons appearing in the photos?"

- “Beneficence (Do Good) - What is my intention or purpose for taking this photo? How can I use a photo to promote a good cause while ensuring that I do no harm to individuals in the photos?”
- “Fidelity - Am I using photos in a context that fairly represents the real situation, subject identity or physical location of the image?”
- “Justice - Am I photographing people and communities with the same respect I would show to neighbors and strangers in my home country?”

Following such ethical guidelines as a photographer or videographer will not only keep you out of trouble but will also serve as an example as to how you wish to be treated if on the other side of the camera.

In a more complex form, media permissions for copyrighted music (especially popular music) used in your video, podcast or other form of media require specialized forms and processes.

There are three contacts that must grant the permissions in this case:

- The record label
- The publisher
- The American Federation of Musicians

The record label could be Sony, Universal, EMI or any other major or independent record label who hold the rights to the actual sound recordings.

The name of the record label can be found on the back cover of a CD. For online music from distributors such as iTunes or Amazon.com, finding the record label requires a bit of searching.

Amazon.com indicates the record label in the product details listing for that album or collection. For example, when clicking on the product details for the Beatle’s Sgt. Pepper’s Lonely Hearts Club Band album, you will find that EMI is the record label to contact.

### **Product Details**

Audio CD (September 9, 2009)

Original Release Date: November 27, 1967

Number of Discs: 1

Format: Enhanced, Original recording remastered

Label: EMI

ASIN: B0025KVLTW

iTunes does not give the name of the record label for the album or artist. In this case, you may need to do a search on Google or other search engine to indentify what record label handles that artist or song.

Rhapsody Music ([www.rhapsody.com](http://www.rhapsody.com)) indicates the name of the record label in the album description as in the example below.



Once you have the name of the record label, it is best to contact either licensing or business affairs to request your permissions in writing. By going to the record label's website and searching for "licensing", they might have procedures by which to follow in order to submit your request.

The vast majority of copyrighted music most frequently used in education is under Sony Music or the Universal Music Group – the two largest record labels globally. (Michael Jackson spent the majority of his solo career as a Sony artist).

The Universal Music Group (MCA Records, Universal/Motown, Island/Def Jam, Interscope/Geffen/A&M, MCA Nashville, Mercury Nashville, Verve and Universal Classics) has a website with a clearance request form at [www.universalfilmmandtvmusic.com](http://www.universalfilmmandtvmusic.com) and also indicates a fax number as to where to send your request.

**IMPORTANT NOTE:** Universal and all major and independent record labels require that you submit along with your application the following:

#### **Written permission from the publisher to use the compositions**

If you do not know the name of the publisher you may contact BMI (310-659-9109 or 212-586-2000) or ASCAP (323-883-1000 or 212-595-3050) to possibly get the information.

Be careful in this instance as there may be co-writers and you would need written permission from them as well. Sometimes bands or groups will have rights to the compositions as individuals, and in that case written permission from each individual is required.

The Universal Music Group form also states "Additionally, you will be responsible for obtaining approval from the American Federation of Musicians (323- 461-3441 or 212-869-1330) and any other union having jurisdiction over your use of the recording. You may be responsible for union re-use/new-use payments. " Universal also states that the licensing fee, if any, will be determined upon receiving the required information."

For classical music recordings, you need to indicate the label, album catalog number, arranger and conductor.

Getting back to our example of the Beatle's, who owns their collection? Michael Jackson. But, now that he is deceased, who would you go to in order to request permissions? Currently, no one is sure until what is estimated to be a \$500 million dollar collection is awarded ownership in the settlement of Michael Jackson's estate.

### **General Information**

When requesting media permissions, don't get discouraged if some requests take longer than others. If you are contacting a major publisher or organization there may be delays or difficulty reaching the correct person to give the authorization.

Also, keep in mind that certain types of licenses may give you the written permissions you need and should always be reviewed thoroughly to ensure your compliance.

And lastly, remember that instantaneous instruction and referral to a work or image to which you are referencing in a non-media format may be exempt from a need for permissions with proper citation. But, when using media such as video to deliver instructional content – especially in a public access environment like the web, it is always best to request permissions and obtain a written response to avoid liability.

*Barry Starlin Britt is the co-founder of Soundzabound Royalty Free Music in Atlanta, GA. He is a frequent contributor to School Video News.*